

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

DEONYIA JOHNSON,

Plaintiff,

v.

Case No. 3:18-cv-01057-JPG-RJD

MATT GARRETT,

Defendant.

**MEMORANDUM AND ORDER**  
**TO SHOW CAUSE**

**J. PHIL GILBERT, DISTRICT JUDGE**

This matter comes before the Court on the parties’ joint motion to stay the proceedings due to the pending parallel criminal proceeding. (Doc. 17.) The parties indicate that plaintiff Deonyia Johnson is facing five criminal charges arising from the same event that led to this civil rights case, and the parties accordingly ask the Court to stay this case until those criminal proceedings are over. The Court cannot simply issue a stay, however: The abstention doctrine of *Younger v. Harris*, 401 U.S. 37 (1971) mandates that the Court completely abstain from hearing a civil rights tort claim when there is a parallel state criminal proceeding arising out of the same event. *Younger* abstention “requires that federal courts dismiss such cases rather than intervene in state affairs,” because “federal jurisdiction would intrude into ongoing state criminal proceedings.” *Mulholland v. Marion Cty. Election Bd.*, 746 F.3d 811, 815 (7th Cir. 2014). Moreover, the fact that Johnson filed this case a few weeks before the criminal charges is irrelevant: The Supreme Court has instructed that when “state criminal proceedings are begun against the federal plaintiffs after the federal complaint is filed but before any proceedings of substance on the merits have taken place in the federal court, the principles of *Younger v. Harris*

should apply in full force.” *Hicks v. Miranda*, 422 U.S. 332, 349 (1975). In this case, no proceedings on the merits have taken place. All we have is a complaint and an answer, and discovery has not yet begun.

Accordingly, the Court **ORDERS** the parties to **SHOW CAUSE** by June 15, 2018 why the Court should not dismiss this case without prejudice pursuant to the *Younger* abstention doctrine. The Court **DIRECTS** the Clerk of Court to vacate the June 7, 2018 scheduling and discovery conference in light of this order.

**IT IS SO ORDERED.**

**DATED: JUNE 5, 2018**

*s/ J. Phil Gilbert*  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**